

Fill in this information to identify the case:

United States Bankruptcy Court for the:

Southern District of New York

(State)

Case number (if known): Chapter 11

☐ Check if this is an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/19

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name New York Helicopter Charter, Inc.

2. All other names debtor used in the last 8 years  
Include any assumed names, trade names, and *doing business* as names

3. Debtor's federal Employer Identification Number (EIN) 11 - 3514460

4. Debtor's address

Principal place of business		Mailing address, if different from principal place of business	
6 East River Piers			
Number	Street	Number	Street
		P.O. Box	
New York	NY	10004	
City	State	ZIP Code	
New York		Location of principal assets, if different from principal place of business	
County			
		Number Street	
		City State ZIP Code	

5. Debtor's website (URL)

6. Type of debtor  
☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))  
☐ Partnership (excluding LLP)  
☐ Other. Specify:

Debtor New York Helicopter Charter, Inc.  
Name

Case number (if known) \_\_\_\_\_

**7. Describe debtor's business**

**A. Check one:**

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))  
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))  
☐ Railroad (as defined in 11 U.S.C. § 101(44))  
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))  
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))  
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))  
☒ None of the above

**B. Check all that apply:**

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)  
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)  
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

**C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.**

**8. Under which chapter of the Bankruptcy Code is the debtor filing?**

**Check one:**

- ☐ Chapter 7  
☐ Chapter 9

☒ Chapter 11. **Check all that apply:**

- ☒ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625 (amount subject to adjustment on 4/01/22 and every 3 years after that).  
☒ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).  
☐ A plan is being filed with this petition.  
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).  
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.  
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

☒ No

☐ Yes. District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
MM / DD / YYYY  
District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
MM / DD / YYYY

If more than 2 cases, attach a separate list.

**10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?**

☒ No

☐ Yes. Debtor \_\_\_\_\_ Relationship \_\_\_\_\_  
District \_\_\_\_\_ When \_\_\_\_\_  
MM / DD / YYYY  
Case number, if known \_\_\_\_\_

List all cases. If more than 1, attach a separate list.

Debtor New York Helicopter Charter, Inc.  
Name

Case number (if known) \_\_\_\_\_

**11. Why is the case filed in this district?**

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

**12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?**

☒ No

☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

**Why does the property need immediate attention?** (Check all that apply.)

- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.  
What is the hazard? \_\_\_\_\_
- ☐ It needs to be physically secured or protected from the weather.
- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- ☐ Other \_\_\_\_\_

**Where is the property?**

Number \_\_\_\_\_ Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

**Is the property insured?**

☐ No

☐ Yes. Insurance agency \_\_\_\_\_

Contact name \_\_\_\_\_

Phone \_\_\_\_\_

**Statistical and administrative information**

**13. Debtor's estimation of available funds**

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

**14. Estimated number of creditors**

☒ 1-49

☐ 50-99

☐ 100-199

☐ 200-999

☐ 1,000-5,000

☐ 5,001-10,000

☐ 10,001-25,000

☐ 25,001-50,000

☐ 50,001-100,000

☐ More than 100,000

**15. Estimated assets**

☐ \$0-\$50,000

☐ \$50,001-\$100,000

☐ \$100,001-\$500,000

☐ \$500,001-\$1 million

☒ \$1,000,001-\$10 million

☐ \$10,000,001-\$50 million

☐ \$50,000,001-\$100 million

☐ \$100,000,001-\$500 million

☐ \$500,000,001-\$1 billion

☐ \$1,000,000,001-\$10 billion

☐ \$10,000,000,001-\$50 billion

☐ More than \$50 billion

Debtor New York Helicopter Charter, Inc.  
Name

Case number (if known) \_\_\_\_\_

16. Estimated liabilities

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> \$0-\$50,000          | <input checked="" type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion     |
| <input type="checkbox"/> \$50,001-\$100,000    | <input type="checkbox"/> \$10,000,001-\$50 million           | <input type="checkbox"/> \$1,000,000,001-\$10 billion  |
| <input type="checkbox"/> \$100,001-\$500,000   | <input type="checkbox"/> \$50,000,001-\$100 million          | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million         | <input type="checkbox"/> More than \$50 billion        |

**Request for Relief, Declaration, and Signatures**

**WARNING --** Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

- ☒ The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.
- ☒ I have been authorized to file this petition on behalf of the debtor.
- ☒ I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10 10 2019  
MM / DD / YYYY

☒

Signature of authorized representative of debtor

Michael Roth

Printed name

Title Chief Executive Officer

18. Signature of attorney

☒

Randolph E. White  
Signature of attorney for debtor

Date 10 10 2019  
MM / DD / YYYY

Randolph E. White

Printed name

White & Wolnerman, PLLC

Firm name

950 Third Avenue 11th Floor

Number Street

New York  
City

NY 10022  
State ZIP Code

(212) 308-0667  
Contact phone

rwhite@wwlawgroup.com  
Email address

1973056  
Bar number

NY  
State

**WRITTEN CONSENT OF SOLE DIRECTOR OF  
NEW YORK HELICOPTER CHARTER INC.**

The undersigned, being the sole member of the Board of Directors (the "Board") and sole shareholder of New York Helicopter Charter Inc., a New York corporation (the "Company"), waives the notice, calling and holding of a meeting of the Board, and in lieu of such a meeting, in accordance with the applicable provisions of the New York Business Corporation Law, does hereby consent to, adopt, authorize and approve the following resolutions and the actions specified therein, and direct that this Written Consent be filed with the minutes of the proceedings of the Board:

**WHEREAS**, the Board, with the assistance of the Company's professionals, has considered the financial and operational conditions of the Company's business;

**WHEREAS**, the Board has reviewed and considered the advice of the Company's professionals and advisors with respect to the options available to the Company, including the possibility of pursuing a bankruptcy proceeding under Chapter 11 of title 11 of the United States Code (as amended, the "Bankruptcy Code");

**NOW, THEREFORE, BE IT RESOLVED**, that after consideration of the alternatives presented to it and the advice of the Company's professionals and advisors, the Board has determined in its business judgment that it is in the best interest of the Company, its creditors, shareholders and other interested parties, and stakeholders that a voluntary petition be filed by the Company under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Petition"); and it is

**FURTHER RESOLVED**, that the members of the Board, and any other officer or person designated and so authorized to act (collectively, the "Authorized Persons") are, and each hereby is, authorized, empowered and directed to (a) execute, verify and file on behalf of the Company all documents necessary or appropriate in connection with the filing of said Bankruptcy Petition, including, without limitation, all petitions, affidavits, declarations, schedules, statements of financial affairs, lists, motions, applications, pleadings, and other papers or documents in connection with the Bankruptcy Petition; (b) take and perform any and all actions deemed necessary and proper to obtain such relief as authorized herein and in connection with the Company's Chapter 11 case; (c) appear as necessary at all bankruptcy proceedings on behalf of the Company; (d) take and perform any and all actions deemed necessary and proper in connection the Company's Chapter 11 case, including without limitation negotiating and obtaining debtor-in-possession financing, retaining professionals on behalf of the Company and selling assets of the estate, and (e) pay all such expenses where necessary or appropriate in order to carry out fully the intent and accomplish the purposes of the resolutions adopted herein; and it is

**FURTHER RESOLVED**, that Michael Roth be, and hereby is, designated and authorized to act as Authorized Person; and it is

**FURTHER RESOLVED**, that the Authorized Persons are, and each of them hereby is, authorized and directed to employ the law firm of White & Wolnerman, PLLC as counsel to assist

the Company in filing for relief under Chapter 11 of the Bankruptcy Code and in carrying out the Company's duties under Chapter 11 of the Bankruptcy Code, and the officers of the Company are hereby authorized and directed to execute retention agreements, pay retainers prior to, and immediately upon the filing of the bankruptcy case; and it is

**FURTHER RESOLVED**, that the Authorized Persons are, and each of them hereby is, authorized and directed to employ the law firm of Bauman Law Group P.C. as special litigation counsel to assist the Company in its Chapter 11 bankruptcy proceeding, and the officers of the Company are hereby authorized and directed to execute retention agreements, pay retainers prior to, and immediately upon the filing of the bankruptcy case; and it is

**FURTHER RESOLVED**, that the Authorized Persons are, and each of them hereby is, authorized and directed to employ the CPA firm of Nussbaum Yates Berg Klein & Wolpow LLP as accountants to assist the Company in preparing the materials needed for filing for relief under Chapter 11 of the Bankruptcy Code and in carrying out the Company's duties under Chapter 11 of the Bankruptcy Code, and the officers of the Company are hereby authorized and directed to execute retention agreements, pay retainers prior to, and immediately upon the filing of the bankruptcy case; and it is

**FURTHER RESOLVED**, that all instruments, agreements, certificates, consents, waivers or other documents heretofore executed and delivered (or caused to be executed and delivered) and all acts lawfully done or actions lawfully taken by any officer in connection with the Chapter 11 case, or any further action to seek relief on behalf of the Company under Chapter 11 of the Bankruptcy Code, or in connection with the Chapter 11 case, or any matter related thereto, be, and hereby are, adopted, ratified, confirmed and approved in all respects as the acts and deeds of the Company; and it is

**FURTHER RESOLVED**, that the acts, actions and transactions heretofore taken by the officers of the Company or the Directors of the Company in the name of and on behalf of the Company in furtherance of the purpose and intent of any or all of the foregoing resolutions, which acts, actions and transactions would have been approved by the foregoing resolutions except that such acts were taken before those resolutions were adopted, be, and hereby are, ratified, confirmed, and approved in all respects.

**IN WITNESS WHEREOF**, the undersigned, being all of the members of the Board, executed and delivered to the Company this Written Consent.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Michael Roth  
Sole Director

**Dated: October 10, 2019**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
In re:

Chapter 11

NEW YORK HELICOPTER CHARTER INC.,

Case No.

Debtor.  
-----X

**CORPORATE OWNERSHIP STATEMENT**

Pursuant to Rules 1007(a)(1) and 7007.1 of the Federal Rules of Bankruptcy Procedure, on behalf of New York Helicopter Charter Inc., the undersigned authorized officer certifies that there are no entities to report under Rules 1007(a)(1) or 7007.1 of the Federal Rules of Bankruptcy Procedure.

Dated: New York, New York  
October 10, 2019

NY HELICOPTER CHARTER INC.

By: 

Michael Roth  
CEO



**United States Bankruptcy Court  
Southern District of New York**

In re New York Helicopter Charter, Inc.  
Debtor(s)

Case No. \_\_\_\_\_  
Chapter 11

**LIST OF EQUITY SECURITY HOLDERS**

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

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Name and last known address or place of business of holder	Kind of Interest
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Michael Roth	100% Equity Interest
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**DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP**

I, the President of the limited liability company named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date October 10 , 2019

Signature

  
Michael Roth

*Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.  
18 U.S.C. §§ 152 and 3571*

**Fill in this information to identify the case:**

Debtor name New York Helicopter, Inc.  
United States Bankruptcy Court for the: Southern District of New York  
(State)  
Case number (if known): \_\_\_\_\_

☐ Check if this is an amended filing

**Official Form 204**

**Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an *insider*, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
1	Air Pegasus Heliport 335 West 30th Street & 12th Ave. New York, NY 10001	Attn: Alvin Trenil	Landing Fees				\$12,814.61
2	AKF, Inc., d/b/a Fundkite 88 Pine Street 17th Floor New York, NY 10005	Attn: Alex Shvartz Phone: (212) 952-0001	Settlement				\$409,233.42
3	American Express National Bank C/O Zwicker & Associates, P.C. 100 Corporate Woods, Suite 230 Rochester, NY 14623	Phone: (585) 427-0482	Litigation	Contingent Unliquidated Disputed			\$0.00
4	Analar Corporation 41 Airpark Road Princeton, NJ 08540	Attn: Michael Renz Phone: (609) 921-7681 E-mail: mrenz@analarcorp.com	Repair Services				\$114,142.79
5	Atlantic Aviation PO Box 784291 Philadelphia, PA 18178	Phone: (212) 889-9659	Landing Fees				\$32,278.37
6	Bauman Law Group, P.C. 66 Palmer Avenue, Suite 49C Bronxville, NY 10708	Attn: Timothy Bauman Phone: (914) 337-1715 tbauman@baumanlawgroup.com	Legal Fees				\$95,000.00
7	Caitlin Insurance Company, Inc. C/O Jones Fussell, LLP P.O. Box 1810 Covington, LA 70434	Attn: John R. Walker Phone: (985) 892-4801 E-mail: johnwalker@jonesfussell.com	Litigation	Contingent Unliquidated Disputed			\$0.00
8	Dallas Airmotive, Inc. 2988 W. Walnut Hill Lane Dallas Fort Worth Airport, TX 75261	Phone: (214) 956-2647	Repair Services	Disputed			\$270,000.00

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
9	First Insurance Funding 450 Skokie Boulevard, Suite 1000 Northbrook, IL 60062	Phone: (800) 837-2511	Helicopter Ins.				\$133,113.96
10	Helo Holding, Inc. 165 Western Rd. Kearny, NJ 07032	Attn: Jeffrey Hyman Phone: (973) 813-2300 E-mail: jhyman@hhihelipoint.com	Lease Obligations				\$79,264.96
11	Kabbage, Inc. 730 Peachtree St. Atlanta, GA 30308	Phone: (888) 986-8263	Loan				\$61,259.90
12	Marks Aviation Group, LLC 111 Row Three Lafayette, LA 70508	Attn: Lloyd L. Marks Phone: (337) 266-9747	Litigation	Contingent Unliquidated Disputed			\$0.00
13	One Funder 90 Broad Street New York, NY 10004	Attn: Tim Derstein Phone: (646) 846-8993	Loan				\$59,984.12
14	Montauk Airport P.O Box 1477 East Lake Drive Montauk, NY 11954	Attn: Helen Gil Phone: (631) 668-3738					\$1,575.00
15	Phelps Dunbar, LLP 365 Canal Street New Orleans, LA 70130	Attn: Kate Mire Phone: (504) 566-1311 E-mail: kate.mire@phelps.com	Legal Fees				\$5,823.08
16	Ranger Aviation Leasing, LLC C/O Armbruster & Associates, APLC 332 East Farrel Road, Suite D Lafayette, LA 70508	Attn: George J. Armbruster Phone: (337) 889-5511	Litigation	Contingent Unliquidated Disputed			\$0.00
17	Robert Lubin, CPA 3603 Quentin Road Brooklyn, NY 11234	Attn: Robert Lubin Phone: (718) 787-0364	Accounting/Tax Services				\$3,500.00
18	Saker Aviation Services, Inc. Downtown Heliport 20 South Street New York, NY 10004	Attn: Ron Ricciardi Phone: (212) 776-4046	Landing/Permit Fees				\$270,000.00
19	Shell Aviation PO Box 411722 Kansas City, MO 64141-1722	Attn: David Crooks Phone: (252) 633-0066	Fuel				\$14,516.70
20	Sterling Helicopter 1226 River Road Croyden, PA 19021	Attn: Jason Smith Phone: (215) 271-2510	Repairs				\$97,000.00
21.	Alliant Insurance 100 Pine Street, 11th Floor San Francisco, CA 94111	Attn: Bob Frey Phone: (877) 725-7695 E-mail: rfrey@alliantinsurance.com	Aircraft Ins. and Workers' Comp				\$37,000.00

**Fill in this information to identify the case and this filing:**

Debtor Name New York Helicopter Charter, Inc.  
United States Bankruptcy Court for the: Southern District of New York  
(State)  
Case number (if known): \_\_\_\_\_

**Official Form 202**

**Declaration Under Penalty of Perjury for Non-Individual Debtors**

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

**WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.**

**Declaration and signature**


I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☐ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☐ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☐ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ Amended Schedule \_\_\_\_\_
- ☒ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☐ Other document that requires a declaration \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10/10/2019  
MM / DD / YYYY

  
Signature of individual signing on behalf of debtor

Michael Roth  
Printed name

Chief Executive Officer  
Position or relationship to debtor